

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV427-1-MU

CAROL NASH STURDIVANT,

Petitioner,

v.

RICK JACKSON,

Respondent.

ORDER

THIS MATTER comes before the Court upon Petitioner's Motion for Reconsideration, filed October 27, 2006.

On October 11, 2006, Petitioner filed a petition for writ of habeas corpus with this Court. On October 16, 2006, based upon information provided by Petitioner himself, this Court dismissed Petitioner's federal habeas petition as unexhausted. In particular this Court noted that Petitioner indicated that he had not directly appealed the North Carolina Court of Appeals ruling finding no error with his sentence and conviction.

In his motion for reconsideration Petitioner asserts that he has in fact sought relief in the North Carolina Supreme Court. Petitioner also indicates that the North Carolina Supreme Court has not yet ruled on his petition and requests that this Court hold his federal habeas petition in abeyance until the North Carolina Supreme Court rules on his case. Petitioner's habeas petition does not contain any presently exhausted claims. This Court declines to stay Petitioner's prematurely filed federal habeas petition. Petitioner must fully exhaust his state court remedies before filing a federal habeas petition with this Court.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion for Reconsideration is **DENIED**.

Signed: November 7, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

